



# Personnel Policies & Employee Handbook

**RAVALLI COUNTY  
STATE OF MONTANA**

Adopted: July 18, 2005  
Effective: August 1, 2005

**VERIFICATION OF RECEIPT  
AND ACKNOWLEDGMENT OF RESPONSIBILITIES**

By my signature below, I verify that I have received the Ravalli County Personnel Policies and Employee Handbook and I understand my responsibility to read the contents and to seek clarification from my supervisor if I have any questions.

This manual is issued to better inform employees of certain County policies. I understand that from time to time the County may issue additional policies or updates, and that it is my responsibility to read them, to seek clarification from my supervisor if I have any questions, and to maintain them in the Personnel Policies and Employee Handbook I have been issued.

After you have signed and dated this form, please present it to your supervisor. It will be kept in your personnel file.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

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## SECTION 1: ADOPTION AND PURPOSE

RESOLUTION NO. \_\_\_\_\_

**RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS**  
**OF RAVALLI COUNTY, MONTANA,**  
**ADOPTING A POLICY AND PROCEDURE MANUAL FOR**  
**RAVALLI COUNTY**

WHEREAS the Board of Commissioners of Ravalli County, Montana believes it to be in the best interest of the County to adopt the Personnel Policies and Employee Handbook for Ravalli County; and

WHEREAS the said Board of County Commissioners believes that such Personnel Policies and Employee Handbook may accomplish the following purposes:

1. Inform Employees of their rights, duties, and obligations in relation to each other and their employer.
2. Inform Elected Officials/Department Heads and other Supervisors of their obligations to the employees and their right to the respect, loyalty and obedience from the employees.
3. Encourage County Employees and Officials to serve in a courteous, efficient and professional manner.
4. Encourage public service as a career.

NOW THEREFORE, be it resolved by the Board of the County Commissioners of Ravalli County, Montana, that the attached Personnel Policies and Employee Handbook is hereby adopted as the Official Personnel Policies and Employee Handbook for Ravalli County, Montana.

That any previous policies, procedures, rules or resolutions are superseded by the most recently adopted Personnel Policies and Employee Handbook.

That if there is a conflict between the terms of this manual and State or Federal Laws or Regulations, the Laws and Regulations shall be followed.

If any provision of the Personnel Policies and Employee Handbook or application of the provisions is deemed invalid or void, the remainder of the policies and procedures shall remain in force to the extent they are not invalid or void.

Notwithstanding the adoption of the Personnel Policies and Employee Handbook, all County-Elected Officials and appointed Department Heads may, with the specific written concurrence of the Commission, adopt other policies, rules and regulations for the operation of their specific Office or Department provided those rules, regulations and policies are specifically designed for their Office or Department, are exclusive to it, and are at least as restrictive as those in the Personnel Policies and Employee Handbook and further provide that they do not conflict with State or Federal Laws or Regulations.

This Resolution shall become effective immediately upon adoption by the County Commissioners of Ravalli County.

DATED this 18<sup>th</sup> Day of July, 2005.

RAVALLI COUNTY COMMISSIONERS

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Greg Chilcott, Chairman

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Alan Thompson, Member

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Betty T. Lund, Member

ATTEST:

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Nedra Taylor, Clerk & Recorder

## SECTION 1: GENERAL STATEMENT OF POLICY

**Subject:** General Statement of Policy

**Number:** 1.01

**Effective Date:** August 1, 2005

**Reference:**

**Last Revised:** July 18, 2005

**Approval:** July 18, 2005

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### **STATEMENT OF POLICY:**

The Personnel Policies and Employee Handbook shall apply to all County employees. In the event of conflict between these rules and any collective bargaining agreement, County resolution, or state or federal law, the terms and conditions of that agreement, resolution, rule or law shall prevail. In all other cases, these policies and procedures shall apply.

In the event of the amendment of any resolution, rule or law incorporated in this document, or upon which these provisions rely, these rules shall be deemed amended in conformance with those changes.

The Personnel Policies and Employee Handbook is issued by authority of the County Commissioners of Ravalli County after being presented to, and discussed with, Elected Officials/Department Heads and employees. The policies may be amended from time to time at the discretion of the County Commissioners. Suggestions for amendments to the Personnel Policies and Employee Handbook are welcome and proposed amendments should be submitted in writing to the Board of County Commissioners. Copies of the Personnel Policies and Employee Handbook shall be issued to employees following approval and adoption by the Board of County Commissioners. Holders of copies of the Personnel Policies and Employee Handbook shall be responsible for inserting changes as they are issued and for keeping their respective copies of the Personnel Policies and Employee Handbook current.

## SECTION 2: EMPLOYMENT PRACTICES

<b>Subject:</b>	Equal Opportunity Employment	<b>Number:</b>	2.01
<b>Reference:</b>	Title VII of the Civil Rights Act of 1964 Montana Human Rights Act	<b>Effective Date:</b>	August 1, 2005
		<b>Last Revised:</b>	July 18, 2005
		<b>Approval:</b>	July 18, 2005

### **STATEMENT OF POLICY:**

Ravalli County is an equal employment opportunity employer. The County does not refuse employment or discriminate in compensation or the other terms, conditions and privileges of employment based upon race, color, national origin, age, physical or mental disability, marital status, religion, creed, sex, or political beliefs.

Any applicant for employment with the County, or employee who believes he or she has been subjected to discrimination, including harassment, based upon any of these factors, should immediately contact the County's Personnel Officer, County Commissioners, or may also contact State of Montana, Department of Labor and Industry, Human Rights Bureau, PO Box 1728, Helena, MT 59624-1728.



<b>Subject:</b>	Nepotism	<b>Number:</b>	2.03
<b>Reference:</b>	2-2-301 through 2-2-303 MCA	<b>Effective Date:</b>	August 1, 2005
		<b>Last Revised:</b>	July 18, 2005
		<b>Approval:</b>	July 18, 2005

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**STATEMENT OF POLICY:**

No one may be refused employment or be terminated solely because another member of that individual's immediate family is employed by the County. However, no employee will be permitted to hire an immediate family member if the County (Board of Commissioners) determines that it would create a conflict of interest.

It is Ravalli County policy that no person, member of a board or commission, or Elected Official/Department Head shall hire or appoint any person related or connected by consanguinity within the fourth degree or by affinity within the second degree to any position in county government as defined by Montana Law.

The prohibition does not apply to sheriffs appointing cooks and/or attendants, employment of election judges, or the continued employment of a relative initially hired before a related member assumed duties of the office.

<b>Subject:</b>	Reasonable Accommodation	<b>Number:</b>	2.05
<b>Reference:</b>	Americans with Disabilities Act of 1990	<b>Effective Date:</b>	August 1, 2005
		<b>Last Revised:</b>	July 18, 2005
		<b>Approval:</b>	July 18, 2005

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**STATEMENT OF POLICY:**

It is Ravalli County's policy to reasonably accommodate qualified individuals with disabilities or special needs in seeking or retaining employment with the County.

Any employee or applicant who is otherwise qualified for employment may request reasonable accommodation. Information regarding such a request shall be considered confidential to the extent reasonably possible and such information shall not be released to anyone without the right or need to know.

Ravalli County will consider all requests for reasonable accommodation from both applicants and current employees with disabilities. Ravalli County reserves the right to determine what accommodations are reasonable in accordance with state and federal guidelines, and will provide reasonable accommodation unless undue hardship would result.

Reasonable accommodation may include, but is not limited to, providing or improving access, modifying work sites, modifying work schedules, reassigning non-essential functions, providing assistive devices, and retraining or reassigning employees to vacant positions.

Applicants for employment should submit a request for a reasonable accommodation in writing with their application. Employees may request a reasonable accommodation by contacting the Elected Official/Department Head or the County's Personnel Officer. Once a dialogue has been established, between the employer and employee regarding the requested accommodation, the employee may be asked to submit the request in writing and provide verification of the need for accommodation. Employees will be provided written confirmation regarding the determination of the requested reasonable accommodation.

Ravalli County will provide reasonable accommodation for the religious beliefs of employees or prospective employees provided it does not constitute an undue hardship for the County.

**Subject:** Veterans' Employment Preference

**Reference:** 39-29-101 MCA

**Number:** 2.07

**Effective Date:** August 1, 2005

**Last Revised:** July 18, 2005

**Approval:** July 18, 2005

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**STATEMENT OF POLICY:**

In all external hiring, veterans are entitled to a 5% preference and eligible relatives and disabled veterans are entitled to a 10% preference when a scored procedure is used. In all external hiring, where a scored procedure is not used, disabled veterans, eligible relatives or veterans, in that order, are entitled to a preference over any non-preferred applicant holding substantially equal qualifications.

<b>Subject:</b>	Disability Employment Preference	<b>Number:</b>	2.09
<b>Reference:</b>	39-30-101 MCA 39-30-107 MCA 39-30-201 MCA	<b>Effective Date:</b>	August 1, 2005
		<b>Last Revised:</b>	July 18, 2005
		<b>Approval:</b>	July 18, 2005

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**STATEMENT OF POLICY:**

In all external hiring, persons with a disability and their eligible spouses are entitled to a preference in hiring over other non-preference applicants with substantially equal qualifications. Persons with a disability are entitled to a preference over any other preference-eligible applicants with substantially equal qualifications.

## SECTION 3: WORK RULES

**As an integral member of the County team, all employees are expected to accept certain responsibilities and adhere to acceptable business practices. This not only involves sincere respect for the rights and feelings of others, but also demands that in public life, employees refrain from any behavior that might be harmful to themselves, co-workers, and/or the County, or that might be viewed unfavorably by the public at large.**

**Subject:** Personal Appearance

<b>Number:</b>	3.01
<b>Effective Date:</b>	August 1, 2005
<b>Last Revised:</b>	July 18, 2005
<b>Approval:</b>	July 18, 2005

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### **STATEMENT OF POLICY:**

It is the responsibility of all employees to represent the County to the public in a manner which shall be courteous, efficient and helpful.

County employees should always be well-groomed and dressed in a manner suitable for the public service environment and to reflect a professional image of the County.

While these policies have provided general guidelines, individual Elected Officials/Department Heads have the discretion to establish dress requirements they feel are appropriate to the office or department and/or employment function.

<b>Subject:</b>	Employee Conduct	<b>Number:</b>	3.03
<b>Reference:</b>	Montana Code of Ethics 2-2-101 through 104 MCA	<b>Effective Date:</b>	August 1, 2005
		<b>Last Revised:</b>	July 18, 2005
		<b>Approval:</b>	July 18, 2005

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#### **STATEMENT OF POLICY:**

Employee conduct reflects on the County. Employees, consequently, are expected to observe the highest standards of professionalism at all times.

Listed below are types of performance, behavior and conduct that are prohibited. This list is not all-inclusive. Types of performance, behavior and conduct the County considers inappropriate and which shall lead to disciplinary action include, but are not limited to, the following:

- a) Behaving in an unsafe, discourteous, or disrespectful manner toward other employees or members of the public.
- b) Engaging in insubordination or failing to perform duties in a satisfactory manner.
- c) Falsifying records, reports, claims or providing false statements. This includes any communication, verbal or written, related to County employment.
- d) Establishing a pattern of absenteeism or tardiness, abuse of sick time, and abusing breaks or lunch periods.
- e) Violating any aspect of the County's Equal Employment Opportunity Policy.
- f) Violating any aspect of the County's Drug Free Workplace Policy.
- g) Violating any aspect of the County's Violence in the Workplace Policy.
- h) Violating any aspect of the County's Conflict of Interest Policy.
- i) Engaging in any unlawful activity while on the job or involved in any County activity.
- j) Utilizing County equipment, vehicles, facilities, time, or other resources (i.e. cell phones, credit cards, etc.) for private purposes.
- k) Theft from the County, any employee, or any entity associated with the County.
- l) Operating any motor vehicle belonging to Ravalli County or any other motor vehicle within the scope of employment of Ravalli County without a valid Driver's License.
- m) Performing any job duty requiring specific qualifications, licensure, or certifications without proper and current credentials.
- n) Violating the Montana Code of Ethics.
- o) Possessing unauthorized firearms on County premises or while on County business.

- p) Failing to maintain confidential information.
- q) Abuse or unsafe operation of County property.
- r) Entering into a contract or obligating the County without authority or authorization.
- s) Any other act, failure to act, or negligence which is injurious to the County, County employees, or the general public.

Violations of the above standards or other county, state or federal rules and laws, or conduct which is injurious to the County's interests or its employees' interests, shall result in disciplinary action which can include written or oral warnings, suspension, demotion, termination \* or other appropriate discipline.

In all cases, an employee subject to disciplinary action shall be informed by the Elected Official/Department Head of the alleged violations and employer's evidence and the employee shall be allowed to present his/her interpretation of events and evidence orally and/or in writing before discipline, if warranted, is imposed.

If disciplinary action is imposed and the employee believes the disciplinary is not valid, he/she may grieve the action through the established Grievance Procedure (Section 7).

\* Deputy sheriffs who have served a one-year probationary period may only be terminated for the reasons specified in Section 7-32-2107 MCA. This section provides that "gross inefficiency in the performance of official duties" is a reason for termination. Violation of County policy can constitute "gross inefficiency in the performance of official duties". (Smith v Roosevelt County, 242Mt.27)

<b>Subject:</b>	Sexual Harassment	<b>Number:</b>	3.05
<b>Reference:</b>	Civil Rights Act of 1964	<b>Effective Date:</b>	August 1, 2005
		<b>Last Revised:</b>	July 18, 2005
		<b>Approval:</b>	July 18, 2005

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**STATEMENT OF POLICY:**

Sexual harassment of employees and any other persons is prohibited. It is the County's policy to provide employees with a work environment free of sexual harassment. Sexual harassment includes unwelcome verbal or physical conduct of a sexual nature when:

- A. Submission to the conduct is implicitly or explicitly made a term or condition of employment;
- B. Submission to or rejection of the conduct is used as the basis for an employment decision affecting the individual; or
- C. The conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

**Examples of prohibited sexual harassment include, but are not limited to:**

- a) Propositions or pressure to engage in sexual activity
- b) Sexual assault
- c) Repeated intentional body contact
- d) Repeated sexual jokes, innuendos, or comments
- e) Constant staring or leering
- f) Inappropriate comments concerning appearance
- g) Display of magazines, books, or pictures with a sexual connotation
- h) Pattern of hiring or promoting sex partners over more qualified persons
- i) Any harassing behavior, whether or not sexual in nature, directed toward a person because of the person's gender, including, but not limited to, hazing employees.

All supervisors are required to discourage any sort of sexual harassment and ensure all reported incidences are investigated and reported to the Personnel Officer.

Employees are responsible for reporting all incidents or actions, as soon as possible after the alleged harassment occurs, to their direct supervisor, Elected Official/Department Head, Personnel Officer, Board of Commissioners, and/or Montana Human Rights Bureau.



Employees may file a complaint through the Grievance Procedure outlined in Section 7 of the Personnel Policies and Employee Handbook and/or to the State of Montana, Department of Labor and Industry, Human Rights Bureau, PO Box 1728, Helena, MT 59624-1728.

**Substantiated violations of this policy may result in disciplinary action in accordance with County policies. Disciplinary action up to and including discharge may be warranted.**

<b>Subject:</b>	Conflict of Interest	<b>Number:</b>	3.07
<b>Reference:</b>	Montana Code of Ethics 2-2-101 through 105 MCA	<b>Effective Date:</b>	August 1, 2005
		<b>Last Revised:</b>	July 18, 2005
		<b>Approval:</b>	July 18, 2005

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## **STATEMENT OF POLICY:**

### **Outside Employment:**

Employees shall not, directly or indirectly, maintain employment which conflicts with the interest of Ravalli County or which interferes with the employee's ability to discharge County duties in full. Outside employment may be determined to be in conflict if:

- a) It interferes or affects the performance of normal duties with the County;
- b) It is conducted or solicited on County time;
- c) It involves the use of County owned vehicles, equipment, or facilities; or
- d) The normal duties with the County place the employee in a position to exercise influence which may enhance the outside interest.

It is the employee's responsibility to disclose any overt or potential conflict of interest to his/her direct supervisor and to take steps to ensure a conflict does not exist. If it is determined that the outside employment constitutes a Conflict of Interest, and the employee fails to take steps to eliminate or prevent the conflict, disciplinary action may be taken.

### **Personal Business Interest:**

An employee shall not have any financial interest in the profits of any contract, service, or other work performed by the County. Furthermore, an employee may not personally profit from any contract, purchase, sale, or service between the County or any person, company, or organization.

### **Political Activity:**

Employees are prohibited from engaging in partisan activities while on the job. Employees are also prohibited from engaging in unauthorized solicitation, using their position for personal gain, or using their position inappropriately to coerce others.

**Subject:** Violence in the Workplace

**Number:** 3.09

**Effective Date:** August 1, 2005

**Reference:**

**Last Revised:** October 25, 2005

**Approval:** July 18, 2005

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**STATEMENT OF POLICY:**

It is the policy of Ravalli County to promote a workplace environment that is free from violence, threats of violence, intimidation, or related disruptive behavior. Ravalli County will not tolerate any type of workplace violence committed by or against employees.

Listed below are examples of workplace conduct that is prohibited. Types of conduct the County considers inappropriate and which shall lead to disciplinary action include, but are not limited to, the following:

- a) Fighting or causing violent acts at the workplace or while conducting County business;
- b) Causing physical injury to another person;
- c) Making threatening statements, remarks, gestures or expressions;
- d) Engaging in aggressive or hostile behavior that communicates a direct or indirect threat of physical harm, or creates a reasonable fear of injury to another person;
- e) Writing threatening notes, letters or e-mail; or
- f) Possessing a weapon while at work without prior authorization from the Employee's supervisory Elected Official or Department Head and concurrence of the Ravalli County Commissioners.

Individuals who commit such acts may be removed from the workplace, and will be subject to disciplinary action up to and including termination, criminal prosecution, or both.

Employees who experience or observe violence in the workplace should immediately report it to a supervisor or Elected Official/Department Head. Supervisors or Elected Officials/Department Heads who receive such reports should contact the Personnel Officer to initiate an investigation of the reports and initiate appropriate corrective action if warranted. Threats or assaults that require immediate attention should be reported to 9-1-1.

<b>Subject:</b>	Drug Free Workplace	<b>Number:</b>	3.11
<b>Reference:</b>	Federal Drug Free Workplace Acts of 1988 and 1998 61-8-401 MCA	<b>Effective Date:</b>	August 1, 2005
		<b>Last Revised:</b>	July 18, 2005
		<b>Approval:</b>	July 18, 2005

#### **STATEMENT OF POLICY:**

Ravalli County considers it essential to maintain the County as a Drug Free environment. For the sake of all employees and the public, Ravalli County will strictly enforce all policies relative to drug use. The County will also develop and maintain resources for County employees to receive assistance for substance abuse issues.

All County employees are absolutely prohibited from unlawfully manufacturing, distributing, dispensing, possessing or using controlled substances in the workplace or while on County business. "Controlled substances" are defined in schedules I through V of Section 812 Title 21, United States Code. Examples of controlled substances include illegal narcotics, cannabis, stimulants, depressants and hallucinogens.

Reporting to work intoxicated or under the influence of alcohol, using alcoholic beverages on County property, on County business, or while on break is strictly prohibited. County employees are also prohibited from operating County vehicles or equipment, or private vehicles for County business, while under the influence as defined in Section 61-8-401 MCA.

The appropriate use of legally prescribed drugs and non-prescription medications is not prohibited. However, the use of any substance which carries a warning label that indicates that mental functioning, motor skills or judgment may be adversely affected must be reported to the supervisor and medical advice may be sought, as appropriate, before performing job functions. A legally prescribed drug means that the employee has a prescription or other written approval from a physician for the use of the drug in the course of medical treatment, and the physician advises the employee that the substance does not affect the his/her ability to safely operate equipment or carry out essential job functions. The misuse of legal drugs while performing any job function is prohibited.

County employees must abide by this policy as a condition of employment and violations of this policy will result in disciplinary action up to and including termination. The County may also require employees who violate this policy to satisfactorily participate in a drug-abuse assistance or rehabilitation program as a condition of continued employment.

Any employee convicted of violating a criminal drug statute in the workplace or while conducting official County business must inform the employee's Elected Official/Department Head of such conviction within five (5) days after the conviction. The Elected Official/Department Head must inform the Personnel Officer of any such communication immediately.

**Substance Abuse Services for Employees**

To assist employees in overcoming drug-abuse problems, the County provides an employee assistance program (EAP) and makes available medical benefits that include substance abuse treatment.

\*Additional information about the EAP can be found in the Employee Assistance Program policy listed with Employee Benefits. Medical benefits for substance abuse treatment are detailed in Plan Document provided to employees participating in the County's group health plan.

<b>Subject:</b>	Drug and Alcohol Testing	<b>Number:</b>	3.13
<b>Reference:</b>	Federal Highway Administration US Department of Transportation 49 CFR Parts 382, 391, 392, 395 and 40 (as amended).	<b>Effective Date:</b>	August 1, 2005
		<b>Last Revised:</b>	July 18, 2005
		<b>Approval:</b>	July 18, 2005

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**STATEMENT OF POLICY:**

It is Ravalli County's policy to assure worker fitness for duty and to protect employees and the public from risks posed by the use of alcohol and prohibited substances by employees. This policy is in addition to the Drug Free Workplace policy.

It is Ravalli County's policy to comply with all applicable Federal regulations governing workplace anti-drug programs that mandate urine drug testing and breath alcohol testing for persons who are subject to CDL requirements and perform safety sensitive functions. "Safety-sensitive" functions include driving, loading and unloading, and inspecting a vehicle, operating potentially dangerous equipment, as well as time spent waiting to be dispatched or tending to a disabled vehicle.

This policy applies to all Ravalli County employees who operate commercial vehicles and are required to have a Commercial Driver's License (CDL), and perform safety-sensitive functions. This policy applies to off-site breaks and lunch periods when an employee is scheduled to return to work. The County retains the sole right to change, amend or modify any term or provision of this policy in accordance with state and federal law without notice.

**It is the policy of Ravalli County to:**

- a) Engage in drug and alcohol testing for covered employees to assure that employees are not impaired in their ability to perform assigned duties in a safe, productive, and healthy manner;
- b) Establish procedures for drug and alcohol testing in accordance with state and federal regulations;
- c) Create a workplace environment free from the adverse effects of drug, alcohol and substance abuse or misuse through education and drug/alcohol testing.

**A. Testing Compliance**

Employees in covered positions will be subject to urine drug testing and breath alcohol testing. These employees, and prospective employees, will be subject to the following tests and assessments:

- **Pre-employment:** A successful applicant for a covered position will be required to undergo urine drug testing and breath alcohol testing after an offer of employment has been made. Employment will be contingent on receipt of a negative drug test and confirmed alcohol test indicating a concentration of less than 0.02. The prospective employee **may not** be part of the work force until the results are known.

Prior to hire, the prospective employee will be required to provide a written release to allow Ravalli County to obtain required information from previous employers (last two years) as provided in 49 CFR Part 382. This information must be made available from previous employers for whom the prospective employee operated a Commercial Motor Vehicle (CMV). If this information is not provided to the County within fourteen (14) calendar days from the date of employment, the employee will be removed from performing safety-sensitive functions unless the County can document contact was made with the previous employer, the results of that contact, and why the information was not obtained.

A prospective employee with a confirmed positive drug or alcohol test will be disqualified from consideration for the position being filled. This will not prevent the applicant from being considered of any subsequent vacancy.

- **Post-accident:** Employees in covered positions will be required to undergo drug and alcohol testing if they are involved in an accident with a County vehicle which occurs on a public road and any of the following conditions apply:
  - a) It involves a fatality;
  - b) It involves a moving violation issued to the driver;
  - c) It involves injury to a person who, as a result, receives medical treatment; or
  - d) One or more of the motor vehicles incur disabling damage that requires it to be towed from the accident site. (Disabling damage means damage which precludes departure of a motor vehicle from the scene of the accident in its usual manner after simple repairs. It does not include damage to tires).

Following the accident, the employee will be required to be tested within two (2) hours. If this cannot be done, reasons for non-testing must be documented. Attempts to test will cease after eight (8) hours for alcohol testing and thirty-two (32) hours for drug testing. Any employee in a covered position involved in an accident must refrain from alcohol use for eight (8) hours following the accident or until he/she undergoes a post-accident alcohol test. Any employee who leaves the scene of an accident without appropriate explanation prior to submission to drug and alcohol testing will be considered to have refused the test. This will be considered a positive test.

- **Random:** Employees in covered positions will be subject to random, unannounced testing for both drugs and alcohol. The selection for random testing will be made by a scientifically valid method, and each employee shall have an equal chance of being tested each time selections are made. Drug testing may occur during on-duty time. Alcohol testing will be performed before, during, or after the employee is performing safety sensitive functions.
- **Reasonable suspicion:** Employees in covered positions may be subject to a fitness-for-duty evaluation which includes both drug and alcohol testing when there is reason to believe that drug or alcohol use is a potential factor in affecting job performance.

A reasonable suspicion determination must be made by a supervisor who has been trained in reasonable suspicion and who believes the employee has violated the prohibitions of the County Drug-Free Workplace policy based on specific observations concerning the appearance, behavior, speech, or body odors of the employee. Reasonable suspicion determinations must be documented within twenty-four (24) hours of the observation and by test results. A written description of the observations that led to the determination must be prepared and signed by the person who made the determination.

- **Return-to-Duty and Follow-up:** Employees who previously had a confirmed positive test for drugs and/or alcohol must have a negative test and be evaluated and released to duty by a Substance Abuse Professional (SAP) before returning to perform safety-sensitive functions. Employees will be required to undergo unannounced follow-up alcohol and/or drug testing as directed by the SAP. This will consist of at least six (6) tests in the first twelve (12) months following the employee's return to duty. Follow-up testing will not exceed sixty (60) months from the employee's return to duty.



- **Employment Assessment:** Any employee who has a confirmed positive test for the presence of alcohol above the minimum thresholds will be evaluated by a Substance Abuse Professional (SAP). The employee will be required to sign a release so that Ravalli County can obtain information on the rehabilitation program duration, employee compliance, completion, and post-treatment requirements.

The SAP will evaluate the employee to determine what assistance, if any, the employee needs in resolving problems associated with the prohibited use of abuse of alcohol, recommend a rehabilitation program and post-treatment requirements, and determine if the rehabilitation program has been successfully completed. The SAP will also determine if and when the employee can be released to return-to-duty. If an employee is released to return-to-duty, that employee must have been compliant with all recommended treatment as prescribed by the SAP and have a confirmed negative return-to-duty test result. Failure to follow the program as prescribed and required will result in termination.

Any employee or prospective employee who refuses to sign any required release(s) relative to test results, fails to comply required testing, refuses follow-up evaluations by a Substance Abuse Professional (SAP), provides false information, or attempts to falsify test results through tampering, contamination, adulteration, or substitution shall be considered as having a positive test. Such behavior may also be considered insubordinate and result in disciplinary action unless there is a valid and verifiable medical explanation.

#### **B. Testing Procedure**

Testing shall be conducted in a manner to assure a high degree of accuracy and reliability and using techniques, equipment, and laboratory facilities which have been approved by the U.S. Department of Health and Human Services (DHHS) and strictly adhere to the "Mandatory Guidelines of Federal Workplace Drug Testing Programs." All testing will be conducted following the procedures put forth in 49 CFR Part 40 as amended. It is Ravalli County's intent to conform to state and federal requirements while protecting individual dignity, privacy, and confidentiality throughout the testing process.

#### **Drug Testing**

Drug testing may occur at any time while the employee is considered on duty. The drugs that will be tested for include marijuana, cocaine, amphetamines, opiates and phencyclidine.

In the event a test is positive, the employee will be immediately terminated, unless the testing agency advises that mitigating circumstances may be present, or that it would be in the best interest of the County and the employee to proceed with a rehabilitation program through a Substance Abuse Professional (SAP). In that case, the employee will be referred to a SAP for evaluation.

### **Alcohol Testing**

Alcohol testing may be performed on prospective employees prior to employment or when the employee is performing safety-sensitive functions or immediately prior to or following performing safety-sensitive functions.

Tests for alcohol concentration will generally be conducted utilizing a breath test, which measures alcohol concentration in terms of the amount of alcohol in a certain volume of breath. The County reserves the right to utilize saliva tests and certain other kinds of screening as approved by DOT regulations.

If the initial test indicates an alcohol concentration of 0.02 or greater, a second test will be performed to confirm the results of the initial test. A confirmed alcohol concentration of 0.04 or greater will be considered a positive alcohol test and will be considered prohibited conduct.

### **Confirmed Alcohol Concentration of .04 or higher, but less than 0.08.**

If the testing confirms an alcohol concentration 0.04 or greater, or if it is determined that an employee has used alcohol within the last four hours, the following actions will be taken:

- **First Occurrence:**  
The employee will be removed from performing safety-sensitive functions until the start of the employee's next regularly scheduled duty period, but not less than twenty-four (24) hours following administration of the test. The employee will also be required to complete a return-to-duty test indicating a breath alcohol concentration of less than 0.02 before returning to duty.
- **Second Occurrence:**  
The employee will be removed from performing safety-sensitive functions until the start of the employee's next regularly scheduled duty period, but not less than twenty-four (24) hours following administration of the test. The employee will also be required to complete a return-to-duty test indicating a breath alcohol concentration of less than 0.02 before returning to duty.

The employee will also be referred to a Substance Abuse Professional (SAP) for evaluation to determine what assistance, if any, the employee needs in resolving problems associated with alcohol misuse and be released to duty by the SAP.

- **Third Occurrence:**  
The employee will be immediately terminated.

**Confirmed Alcohol Concentration of 0.08 or higher.**

- **First Occurrence:**  
The employee will be immediately terminated.

<b>Subject:</b> Electronic Communications	<b>Number:</b> 3.15
	<b>Effective Date:</b> August 1, 2005
	<b>Last Revised:</b> July 18, 2005
	<b>Approval:</b> July 18, 2005

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**STATEMENT OF POLICY:**

It is the policy of Ravalli County to authorize use of all means of electronic communication for legitimate business purposes. The County will not tolerate the unauthorized access or use of electronic communication systems and documented abuses will be subject to disciplinary action.

Electronic information sent, received, accessed or stored utilizing County systems is the property of Ravalli County. In addition to all usage of computer systems, this policy also applies to voice mail and fax communications. Ravalli County will not monitor these systems as a routine matter unless a specific need to do so is determined. The County does, however, reserve the right to access any of these systems and disclose any and all of their contents. Also, in the course of normal system maintenance, County employees may discover violations to this policy which will be reported.

All computers, internet access, faxes, E-mail, and voice mail, are provided to employees at the County's expense to conduct County business. Types of communication and/or usage that are prohibited, but not limited to, include:

- a) Excessive, inappropriate, or personal use (i.e. computer games, Internet radio, chain letters, sharing music files);
- b) Downloading or transmitting information or messages that reasonably may be considered offensive, pornographic, discriminatory, defamatory, disparaging or threatening;
- c) Installing software without prior approval;
- d) Communications related to outside business ventures;
- e) Offering or solicitation of illegal substances;
- f) Offering or solicitation of illegal activities, such as computer crimes or hacking;
- g) Installing, offering or solicitation of computer files which are protected by copyrights, trademarks, or other creative rights;
- h) Leaking of confidential or privileged information; or
- i) Any activity that would constitute a criminal or civil offense.

By using these systems, employees consent to this policy and the County's right to monitor and access these systems in accordance with applicable state and federal laws. Employees who misuse or abuse these systems, or policies regarding their use, may be subject to disciplinary action up to, and including, discharge.

**Subject:** Smoke-Free Environment

**Number:** 3.17

**Effective Date:** August 1, 2005

**Last Revised:** July 18, 2005

**Approval:** July 18, 2005

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**STATEMENT OF POLICY:**

It is the policy of Ravalli County to provide smoke-free environments to its employees and members of the public utilizing County facilities.

Smoking is prohibited in all County buildings or enclosed public space which is defined as an indoor area, room, or vehicle that the general public is allowed to enter or that serves as a place of work where one or more individuals work.

Employees may smoke in designated outside areas during approved break periods.

Employees who violate the County's policy may be subject to disciplinary action up to, and including, discharge.

## SECTION 4: PERSONNEL ADMINISTRATION

<b>Subject:</b>	Recruitment and Hiring	<b>Number:</b>	4.01
<b>Reference:</b>	Title VII of the Civil Rights Act of 1964 Montana Human Rights Act	<b>Effective Date:</b>	August 1, 2005
		<b>Last Revised:</b>	July 18, 2005
		<b>Approval:</b>	July 18, 2005

### STATEMENT OF POLICY:

It is the policy of Ravalli County to recruit, select, and promote candidates without regard to race, color, religion, creed, political ideas, sex, age, marital status, physical or mental handicap or national origin, except where a bona fide occupational qualification is reasonably necessary to a County operation.

Present County employees are encouraged to apply for positions that would result in promotions or transfer to a position in another department if they feel it is in their best interest to do so.

### PROCEDURE:

The following procedures should be adhered to by all departments in filling positions:

- A. At such time as a position vacancy occurs or a new position is created in any office or department of County government, the Administrative Office will be notified. The Elected Official/Department Head will also provide the following to the Administrative Office:
  - A Recruitment Form listing the position title, job classification, rate of pay, required tests/certifications, and application deadline.
  - A current Position Description.
  - \*List of requested posting(s) (i.e. newspaper, web sights, professional organizations, etc.).

\* The department requesting the posting will be responsible for fees associated with recruitment and must adhere to County financial procedures.

- B. If this is a new position, prior approval for recruitment from the Board of County Commissioners must be secured.

- C. The Administrative Office will post the position in each County Building for a period of five (5) days. The Administrative Office may, at the Elected Official/Department Head's request, concurrently distribute the job posting to the Job Service and, if appropriate, to such media as local newspapers, professional organizations, or other recruiting mechanisms.

If the same position has been posted within six (6) months, the Elected Official/Department Head may elect to review and recruit from the most recent pool of applicants provided there are qualified applicants who were not previously selected.

- D. Unless otherwise arranged, application distribution and collection will be administered by the State Job Service (Bitterroot Workforce Center) office. The Personnel Office will secure all applications from the Job Services and provide them to the Elected Official/Department Head requesting the position.
- E. Using the position description and information obtained from the application form, and any other requested materials (i.e. resume, cover letter, etc.), the Elected Official/Department Head will determine which applicants will be interviewed.
- F. The Elected Official/Department Head will coordinate the selection process.

Internal applicants who meet the minimum qualifications will be evaluated with the total pool of applicants. The County reserves the right to reject any and all applications for the position and re-advertise if there are not sufficient qualified applicants.

Job offers shall be made in writing (Offer Letter or Employee Action Form) by the County Commission and/or appropriate Elected Official/Department Head. A job offer should specify the conditions of employment, whether the job is a permanent, temporary, seasonal, or short-term position and whether the job is full or part-time. The offer should also specify the position, title, grade, salary, work location, starting date and hours of work. Applications for a posted position will not be accepted after the published closing and/or receipt date.

<b>Subject:</b>	Probation Period	<b>Number:</b>	4.03
<b>Reference:</b>	7-32-2105 MCA	<b>Effective Date:</b>	August 1, 2005
	39-2-904 MCA	<b>Last Revised:</b>	July 18, 2005
		<b>Approval:</b>	July 18, 2005

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**STATEMENT OF POLICY:**

Each employee hired by Ravalli County agrees to a six (6) month probationary period. In the event that more time is needed to assess the employee's ability to perform the job, the probationary period may be extended up to an additional six (6) months upon written notification to the employee. The probationary employee serves at the pleasure of the Elected Official/Department Head and/or Board of County Commissioners and may be dismissed without cause at any time prior to six (6) months of employment or the additional six (6) months of an extension, if applicable. Vacation, holidays, sick days, weekends, compensatory time and worker's compensation time are credited as days of employment. Short-term workers and temporary employees are continually on probation.

Probationary employees do not have the option to file a grievance or request a hearing for termination.

**Extension of Probation Period**

Ravalli County may extend the length of a probation period for a maximum of six (6) months. When the probationary period is extended, the County will notify the employee in writing on or before the end of the initial probationary period that the probationary period has been extended and the County will inform the employee of the reason for, and length of, the extension.

The employee whose probationary period has been extended does not attain permanent status until the employee successfully completes the additional probationary period.

**Leaves of Absence During Probationary Period**

Employees returning from an approved leave of absence without pay during their probation period are not required to begin a new probationary status. Probation can, however, be extended to reflect time out on unpaid leave.



### **Termination of Probationary Period**

Employees will be notified that he/she has not satisfactorily completed the initial, and if applicable, extended probationary period, on or before the end of the probationary period. Upon satisfactory completion, the employee will attain permanent status.

### **Probationary Period for Transferring Employees**

Employees transferring to another department or accepting a different position within a department agree to a six (6) month probation period.

If a transferred or promoted employee fails to satisfactorily complete the new probationary period, the employee shall revert to his/her former position, if the position is unfilled and a selection process has not begun. If the former position has been filled or the selection process has begun, the employee is eligible to apply for other available positions which are posted or advertised pursuant to the County recruitment and hiring process. The employee shall receive no preference in the selection process.

A promoted or transferred employee reverted to his/her former position shall not be required to serve a new probationary period. A promoted or transferred employee reverted to another position within the County may be required to serve a new probationary period.

### **Deputy Sheriffs**

Deputy sheriffs serve a probation period of one year pursuant to Section 7-32-2105 MCA.

An Undersheriff or Chief Deputy holds office at the pleasure of the Sheriff or appointing Elected Official.

<b>Subject:</b>	Personnel Appointments	<b>Number:</b>	4.05
<b>Reference:</b>	2-18-601 through 621 MCA 2-18-101 MCA	<b>Effective Date:</b>	August 1, 2005
		<b>Last Revised:</b>	July 18, 2005
		<b>Approval:</b>	July 18, 2005

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**STATEMENT OF POLICY:**

Upon hire, all County employees shall be assigned to one of the following employment categories contingent upon successful completion of the applicable probationary period.

**Permanent Full-time Employee**

“Permanent Full-time” means an employee that has successfully completed a probationary period, is regularly scheduled to work forty (40) hours per week on a continuous basis, and does not have a specified termination date at the time of hire.

- Permanent Full-time employees are eligible for all employee benefits.

**Permanent Part-time Employee**

“Permanent Part-time” means an employee that has successfully completed a probationary period, is regularly scheduled to work less than forty (40) hours per week on a continuous basis, and does not have a specified termination date at the time of hire.

- Permanent Part-time employees scheduled to work more than twenty (20) hours per week are eligible for all employee benefits on a pro-rated basis. Those scheduled for less than twenty (20) hours shall not be entitled to employee benefits other than those required by State law, but are eligible for holiday pay, sick leave, and annual leave on a pro-rated basis.
- **On-call Status**  
“On-call” employees are those that have successfully completed a probationary period but do not have a regular schedule, are called to work intermittently as workload, absences or emergency situations may require, and do not have a specified termination date at the time of hire.

### **Seasonal Employee**

“Seasonal” means an employee assigned as seasonal who performs duties of a seasonal nature. Seasonal employees may be assigned as either full-time (normally working forty (40) hours per week) or part-time (normally working less than forty (40) hours per week). Seasonal employees may, at the discretion of the County, be recalled without the loss of benefits accrued during the preceding season. In order to qualify, they must be recalled and immediately report back for work when operations resume to avoid a break in service.

- Seasonal employees are not eligible for employee benefits other than those required by State law but are eligible for holiday pay, sick leave, and annual leave as permanent employees.

### **Temporary Employee**

“Temporary” employees are those who are hired, either on a part-time or full-time basis, for a specified period of time not to exceed twelve (12) months. Temporary employees are not permanent employees, are terminated at the end of the employment period, and are not eligible to become permanent employees without a competitive selection process. A temporary employee may be terminated at any time at the discretion of the Elected Official/Department Head.

- Temporary employees are not eligible for employee benefits other than those required by State law but are eligible for holiday pay, sick leave, and annual leave as permanent employees.

### **Short-term Worker**

“Short-term” means an employee assigned as a short-term worker who works at an hourly rate of pay established by the County. Short-term workers may not work for a County department for more than ninety (90) days in a continuous twelve (12) month period. They are not eligible to become permanent without a competitive selection process.

- Short-term workers are not eligible for benefits including annual leave, sick, or holiday benefits.

### **Appointment as Chief Deputy**

Upon taking public office and upon approval by the Board of County Commissioners, certain County officials may appoint a Chief Deputy. The Chief Deputy serves at the pleasure of the current elected official. If the current elected official appoints another to succeed him/her as the Chief Deputy, the person shall return to the same salary he/she would have received had he/she not taken the Chief Deputy position.

<b>Subject:</b>	Employee Registration and Orientation	<b>Number:</b>	4.07
<b>Reference:</b>		<b>Effective Date:</b>	August 1, 2005
		<b>Last Revised:</b>	July 18, 2005
		<b>Approval:</b>	July 18, 2005

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### **STATEMENT OF POLICY:**

It is the policy of Ravalli County to ensure that all employees have completed documentation required for employment, are appraised of applicable benefits, and been afforded the opportunity to discuss issues relative to their employment. It is also the policy of Ravalli County to orient each employee upon hire to assist them in becoming familiar with their office and/or department, co-workers, and County government as a whole.

### **Employee Registration**

- A. Upon acceptance of a position, the Elected Official/Department Head should schedule an appointment for the new employee with Personnel Office for processing. The employee should bring with them identification necessary for employment eligibility verification (i.e. **Social Security Card, Driver's License**, Birth Certificate, Passport). The Personnel Office can discuss required identification when the appointment is arranged.
- B. The Elected Official/Department Head will provide to the Personnel Office a completed Employee Action Form, Application, resume (if required) and other certifications or documents required for employment. This will include copies of degrees and/or transcripts if required for the position offered.
- C. The Personnel Office will secure and process all required documents relative to employment.
- D. The Personnel Office, when practical, will provide a brief orientation and discuss benefits, personnel policies and procedures, payroll, and other pertinent issues.
- E. After securing all required information, the Personnel Office will verify, with the new employee, that he/she acknowledges the information provided and has received a copy of the Personnel Policies and Employee Handbook.
- F. Information necessary for payroll will be submitted to the payroll department.

- G. An Employee Action Form will be provided by the Personnel Officer to the Commissioners for final review and signature.

**Employee Orientation**

The employee's Elected Official/Department Head has the primary responsibility for an orderly and systematic orientation process of introducing the new employee to co-workers, explaining job responsibilities, touring office facilities, providing adequate supplies and materials, and discussing organizational responsibilities.

**Updating Personal Information**

It is an employee's responsibility to notify the Administrative Office whenever there is a change in their name, address, telephone number or other personal data necessary for County business.

<b>Subject:</b>	Performance Evaluation	<b>Number:</b>	4.09
<b>Reference:</b>	Employee Evaluation Form Supervisor Evaluation Form	<b>Effective Date:</b>	August 1, 2005
		<b>Last Revised:</b>	July 18, 2005
		<b>Approval:</b>	July 18, 2005

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**STATEMENT OF POLICY:**

Evaluation of employee performance and/or conduct is an ongoing process. Supervisors may evaluate employees as deemed necessary.

The primary purpose of an employee performance appraisal system is to provide the opportunity for the employee and the supervisor to discuss the employee's job performance during the preceding evaluation period and to communicate job goals and objectives. Performance evaluations may be used to assist in decisions affecting promotions, demotions, dismissals, layoffs, reemployment, salary increases and training. Completed appraisals should be submitted to the Personnel Office by the Elected Official/Department Head.

A special evaluation may be completed whenever there is a change either upward or downward in the employee's performance.

If the employee disagrees with an appraisal, the employee has the right to submit, within ten (10) working days of receipt of the appraisal, a written rebuttal, which will be attached to the appraisal document.

Evaluations and employee rebuttal statements will be maintained in the employee personnel file kept in accordance with Ravalli County policies.

**Subject:** Position Descriptions

**Number:** 4.11

**Effective Date:** August 1, 2005

**Reference:**

**Last Revised:** July 18, 2005

**Approval:** July 18, 2005

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**STATEMENT OF POLICY:**

Position Descriptions and job specifications shall be maintained by the various offices and/or departments for all permanent full-time, permanent part-time, temporary, seasonal and short-term worker positions.

A Position Description does not constitute an employment agreement between the County and employee. The Position Description should include a general overview of the position and list the essential functions of the job. As necessary, Position Descriptions may be revised as County needs and position responsibilities change.

Examples of duties listed in the position description are intended only as illustrations of the various types of work performed. The omissions of specific statements of duties do not exclude them from the position if the work is similarly related or a logical assignment to the position.

Each employee's position description will be maintained as part of his/her personnel file. Additional copies of position descriptions may be requested through the Elected Official/Department Head.

<b>Subject:</b>	Employee Personnel Records	<b>Number:</b>	4.13
<b>Reference:</b>		<b>Effective Date:</b>	August 1, 2005
		<b>Last Revised:</b>	July 18, 2005
		<b>Approval:</b>	July 18, 2005

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### **STATEMENT OF POLICY:**

Unless otherwise authorized by the Board of Commissioners, personnel files for all County employees will be maintained in the Administrative Office by the Personnel Officer as designated by the Board of Commissioners.

### **Personnel File Documents**

An employee's personnel file will include:

- a) All items that define or change status, classification, conditions of employment, pay or benefits.
- b) Original application and resume for employment.
- c) Performance evaluations and/or copies of comments relative to employee performance which have been received by the employee or which have been acknowledged by the signature of the employee acknowledging placement on their personnel file.
- d) Performance related information which an employee has requested be place in the personnel file.
- e) Documentation of any disciplinary action or warning.

### **Personnel File Access**

An employee's personnel file is available only to the employee and to appropriate supervisory personnel. Access to a personnel file by persons other than the employee, appropriate supervisory personnel, and the Administrative Office staff must be authorized in writing by the employee. Each inspection of the file will be recorded on a log in that particular file and no materials in a personnel file may be removed from the Administrative Office.

Information of a confidential nature pertaining to employee benefits, medical information and withholding authorizations shall be kept in a separate file which is only available to the employee and to Administrative Office staff.

The Administrative Office also maintains records of employment which are available to the public. The information includes the employee's name, position, date of hire and pay rate.



## SECTION 5: COMPENSATION

**Subject:** Salary Administration

**Number:** 5.01

**Effective Date:** August 1, 2005

**Last Revised:** July 18, 2005

**Approval:** July 18, 2005

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### **STATEMENT OF POLICY:**

In determining salaries, consideration shall be given to prevailing rates of pay for comparable work in the public and private employment sectors, the County's financial condition, current cost of living, Elected Official/Department Head recommendations, turnover rates, applicant availability, and value of County-sponsored benefits.

On an annual basis, the Board of Commissioners will adopt a salary schedule inclusive of all non-union employees. Pay rates for union members will be determined through collective bargaining.

Generally, new employees will be paid at the base level for the corresponding job classification. The Board of Commissioners may, however, approve pay at any point within the established range if it is determined to be in the best interest of the County.

Salaries will generally be evaluated and reviewed as part of the budget preparation process. During the year, however, an Elected Official/Department Head can petition the Board of County Commissioners for re-classification or adjustment within an established salary range for any position provided it can be achieved and maintained through current budget levels.

The Commissioners, at their discretion, reserve the right to amend salaries at any time if it is determined necessary and in the best interest of Ravalli County.

<b>Subject:</b>	Hours of Work and Work Week	<b>Number:</b>	5.03
<b>Reference:</b>		<b>Effective Date:</b>	August 1, 2005
		<b>Last Revised:</b>	July 18, 2005
		<b>Approval:</b>	July 18, 2005

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### **STATEMENT OF POLICY:**

The work week will consist of seven (7) twenty-four (24) hour days; Monday through Sunday, except for staggered schedule. Except as otherwise provided by labor agreement, the normal working hours for employees are eight (8) hours, from 8:00 a.m. to 5:00 p.m., with one (1) unpaid hour lunch period. This does not include personnel engaged in shift work. Employees are expected to be at their work location and ready to begin work at the beginning of their work schedule.

Employees may have a rest period of fifteen (15) minutes, on the County's time, for each four (4) hour work period. Rest periods shall be scheduled as near as possible to the midpoint of each four (4) hour work period. Rest periods will not accumulate and be scheduled by agreement with the appropriate supervisor.

Daily attendance records will be maintained by each office and/or department, including date and time absent and reason for absence. Tardiness or other attendance irregularities shall be cause for disciplinary action.

Hours for employees may vary from the normal office hours established above due to the nature of the work. Work schedules must be approved by the appropriate Elected Official/Department Head.

Nothing in the Policy limits the County from establishing or changing work schedules as necessary for the successful operation of County programs.

<b>Subject:</b>	Time Sheets / Records of Attendance	<b>Number:</b>	5.05
<b>Reference:</b>	Sample Time Sheet Current Year Pay Schedule	<b>Effective Date:</b>	August 1, 2005
		<b>Last Revised:</b>	July 18, 2005
		<b>Approval:</b>	July 18, 2005

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**STATEMENT OF POLICY:**

Time sheets and/or Records of Attendance are to be completed by all employees. Elected Officials are exempt from this provision. The Time Sheet/Record of Attendance shall be reviewed by the Administrative Office and include:

- Employee name
- Department
- Pay period
- Hours to be compensated, broken down on a daily basis including:
  - Hours worked
  - Holiday hours
  - Sick leave hours
  - Compensatory time hours
  - Annual leave hours
  - Leave without pay, etc.
- Employee signature
- Supervisor's signature

Hours reported should accurately reflect hours worked. It is the Elected Official/Department Head's, or designees, responsibility to review time sheets for completeness and accuracy prior to submission to the Administrative Office for processing.

Exempt employees will be paid salary regardless of hours actually worked. They are, however, required to submit an actual record of attendance reflecting work time, leave time, and other hours applicable to County employment.

<b>Subject:</b>	Issuance of Paychecks	<b>Number:</b>	5.07
<b>Reference:</b>	Sample Time Sheet	<b>Effective Date:</b>	August 1, 2005
	Current Year Pay Schedule	<b>Last Revised:</b>	July 18, 2005
		<b>Approval:</b>	July 18, 2005

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**STATEMENT OF POLICY:**

Unless otherwise specified through collective bargaining, paychecks will be distributed on the 15<sup>th</sup> and last day of the month. In the event that either of those days falls on a Saturday or Sunday, the County will generally issue paychecks on the preceding Friday.

Employees have the option of utilizing Direct Deposit. Direct deposit can be arranged through the Payroll Office.

Paychecks will not be released to individuals other than the employee (i.e. spouse, designated family member, or another person) without written authorization from the employee.

**Payment Upon Termination**

In all cases, final payment upon termination will be made no later than the next regularly scheduled pay date from the pay period in which the employee's separation occurred.

<b>Subject:</b>	Overtime Pay	<b>Number:</b>	5.09
<b>Reference:</b>	Fair Labor Standards Act Montana Wage and Hour Law	<b>Effective Date:</b>	August 1, 2005
		<b>Last Revised:</b>	July 18, 2005
		<b>Approval:</b>	July 18, 2005

### **STATEMENT OF POLICY:**

Non-exempt employees (employees who are not exempt from the overtime provisions of the Fair Labor Standards Act) shall receive overtime compensation at the rate of 1½ times their regular hourly rate of pay for all hours worked exceeding forty (40) in a work week.

### **Prior Approval**

An employee must receive prior approval to work overtime. Failure to seek such prior approval shall be cause for corrective and/or disciplinary action.

### **Time considered “Hours Worked”**

Overtime applies only after forty (40) hours of actual work, not hours paid. Time taken as leave or holidays is not considered hours worked. Time spent in job-related meetings, courses, and training programs will generally count as time worked. An exception may apply if the employee’s attendance is truly voluntary, is outside normal working hours, does not relate directly to the job, and if the employee does not perform productive work while attending the meeting or program.

### **Calculating Multiple Wage Rates**

If an employee works at two (2) or more wage rates during a week, the employee’s overtime rate will be 1½ times the average regular hourly rate for all hours worked in that week.

### **Sample Calculation:**

An employee works at two rates within a week. The first is worked for 30 hours at \$8.00 per hour and the second is worked for 20 hours at \$12.00 per hour.

	<b><u>Hours Worked</u></b>	<b><u>Hourly Rate</u></b>	<b><u>Total Pay</u></b>
Job 1	30	\$8.00	\$240.00
Job 2	20	\$12.00	\$240.00
<b>Regular Pay</b>	50		<b>\$480.00</b>
		\$480 ÷ 50 hours = regular rate = \$9.60 per hour	
		\$9.60 ÷ 2 = ½ time rate = \$4.80 per hour	
<b>Overtime Pay</b>	10	\$4.80 x 10 overtime hours = \$48.00	<b>\$48.00</b>
<b>TOTAL Gross Pay</b>			<b>\$528.00</b>

<b>Subject:</b>	Compensatory Time	<b>Number:</b>	5.11
<b>Reference:</b>	Fair Labor Standards Act	<b>Effective Date:</b>	August 1, 2005
	Montana Wage and Hour Law	<b>Last Revised:</b>	July 18, 2005
		<b>Approval:</b>	July 18, 2005

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### **STATEMENT OF POLICY:**

It is Ravalli County's policy to provide fair and consistent administration of Compensatory Time for those employees required to work in excess of forty (40) hours in a workweek.

### **Non-exempt Compensatory Time**

Non-exempt employees may receive compensatory time off in lieu of overtime payment if mutually agreed upon in writing between the employee and the Elected Official/Department Head. Compensatory time for non-exempt employees shall be earned at the rate of 1½ hours for each hour worked in excess of forty (40) hours per week.

Non-Exempt Employees may accrue a maximum of forty (40) compensatory time hours. Hours in excess of forty (40) hours will receive compensation for additional overtime hours worked once they reach this limit. The County may, at its discretion, elect to pay out all or any portion of the balance of an employee's Compensatory Time. A non-exempt employee shall, upon termination of employment, be paid for unused accumulated compensatory time.

### **Exempt Compensatory Time**

Exempt employees (employees who are exempt from the overtime provisions of the Fair Labor Standards Act) may receive compensatory time off for hours worked in excess of forty (40) hours per week at the rate of one hour for each hour worked in excess of forty (40). Exempt employees may accrue a maximum of forty (40) compensatory hours. No compensation will be provided for hours in excess of the forty (40) hours limit. Exempt employees will not receive compensation for unused compensatory time upon termination.

### **Time considered "Hours Worked"**

Compensatory Time applies only after forty (40) hours of actual work, not hours paid. Time taken as leave or holidays is not considered hours worked. Time spent in job-related meetings, courses, and training programs will generally count as time worked. An exception may apply if the employee's attendance is truly voluntary, is outside normal working hours, does not relate directly to the job, and if the employee does not perform productive work while attending the meeting or program.

**Prior Approval**

The Elected Official/Department Head shall have the authority to approve compensatory time. No employee shall take or work compensatory hours without the prior knowledge and written approval of the Elected Official/Department Head. Non-elected Department Heads will be responsible to the Board of Commissioners and must receive approval from the Board to earn, or take Compensatory Time.

**Request to use Compensatory Time**

Employees who have accrued compensatory time and requested use of this compensatory time shall be permitted to use the time off if the use does not unduly disrupt the operations of the County.

**Record Keeping**

Elected Officials/Department Heads shall ensure that all overtime and compensatory time earned and used is recorded on the employee's time sheet as it occurs.

**Subject:** Employee Separation

**Number:** 5.13

**Reference:**

**Effective Date:** August 1, 2005

**Last Revised:** July 18, 2005

**Approval:** July 18, 2005

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**STATEMENT OF POLICY:**

Employee separation means the removal of an employee from County service for either voluntary or involuntary reasons.

**Resignation**

An employee may resign in good standing by submitting a written resignation to his/her Elected Official/Department Head stating the effective date of resignation at least two weeks prior to the effective date, unless extenuating circumstances require a shorter period. Failure to comply with this requirement may be cause for denying future re-employment with the County.

**Layoff or Permanent Reduction in Hours**

A layoff is the involuntary termination of an employee due to lack of work, lack of funds, elimination of a position, or any other situation where continuing to fund a position would be inefficient or non-productive for budgetary reasons. A permanent reduction in hours occurs when funding for a position is permanently reduced, but the position is not eliminated from the budget. When a layoff or permanent reduction of hours is necessary, the following will apply:

- The County will layoff or reduce hours for temporary employees and short-term workers before laying off or reducing hours for probationary or regular employees.
- The County will layoff or reduce hours for probationary employees before laying off or reducing hours for regular employees.
- If two or more regular (non-probationary) employees occupy the same position that is to be reduced or eliminated as part of a budget reduction within a County department, the County will retain the employees who, at the County's discretion, are most qualified and capable of performing the assigned work.
- If employee's qualifications and capabilities are substantially equal, the County will retain employees based on their length of continuous service with Ravalli County in that position.

**Recall**

In the event that the position from which an employee was laid off is reinstated, the County will mail a recall notice to the employee at the employee's last known mailing address. The employee will have five (5) working days to accept



reinstatement. If the recalled employee fails to respond to the recall notice, the employee will have no further reinstatement privileges. The employee is responsible for ensuring that an accurate and current address is on file.

An employee who is recalled under this policy will be considered as continuously employed for purposes of calculating vacation leave, sick leave, or any other benefits set forth in these policies that are based on length of continuous service with Ravalli County. The employee will not, however, accrue leave or receive other benefits during the period when the employee was laid off prior to reinstatement.

#### **Termination Relating to an Industrial Accident**

If, as a result of an industrial accident, an employee is unable to perform the essential functions of the job, the County may fill the position with a temporary employee to avoid disrupting the work of the office or department. If the injured employee is capable of returning to work and performing the essential functions of the job within three (3) months from the date of injury, the employee shall be returned to his/her previous position. If, however, the injured employee is unable to return to work and perform the essential functions of the job within six (6) months from the date the employee accepts payment from the Workers' Compensation program, the employee shall be terminated and all severance benefits to which the employee may be eligible will be paid.

#### **Retirement**

A qualified employee may elect to retire in accordance with applicable state law. A retired employee may continue County health insurance coverage, provided that premium amounts are paid in accordance with policies established by the plan administrator.

#### **Involuntary Termination**

A probationary employee may be terminated in accordance with Policy 4.03 of these policies.

A regular employee may be terminated when other forms of discipline fail or when the violation of policy is so severe that it demands the employee be removed immediately from the job.

The employee shall be given a written termination letter stating the reasons for termination and the effective date. The employee shall have the right to grieve the decision to terminate under the established grievance procedure.

**Abandonment**

An employee who fails to report to work for three (3) consecutive working days without prior verbal or written notice will be considered to have voluntarily resigned his/her position with the County. If the employee is able to provide a valid and legitimate reason for the unexcused absence from work, the Board of County Commissioners may consider reinstatement upon confirmation that the absence, and failure to communicate with the County during the absence, was unavoidable.

## SECTION 6: EMPLOYEE BENEFITS

**Subject:** Sick Leave

**Reference:** 2-18-618 MCA

**Number:** 6.01

**Effective Date:** August 1, 2005

**Last Revised:** July 18, 2005

**Approval:** July 18, 2005

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### **STATEMENT OF POLICY:**

Accumulated sick leave credits are a valuable employee benefit that maintains an employee's income during a period of personal illness or family emergency. Sick leave credits should be carefully guarded and not dissipated or abused.

### **Qualifying Period**

Employees are not entitled to utilize sick leave until they have been continuously employed for ninety (90) days.

### **Accrual**

Permanent, temporary and seasonal full-time employees earn sick leave credits from the first full day of employment at the rate of one (1) working day per month without restriction as to the number of working days which may be accumulated. For calculating sick leave credits, 2,080 hours (52 weeks x 40 hours) equals one year. Sick leave credits shall be earned and credited at the end of each pay period.

Permanent, temporary and seasonal part-time employees earn prorated sick leave credits from the first full day of employment. Prorated sick leave credits are calculated by multiplying .046 x hours worked. Credits are to be recorded by rounding to two digits beyond the decimal point and carried in each employee's account in that configuration.

Short-term workers do not earn sick leave credits.

### **Eligible Use of Sick Leave**

Employees may use sick leave credits for:

- a) Illness or injury of the employee;
- b) Illness or injury in the employee's immediate\* family requiring the employee's personal attendance;
- c) Quarantine for contagious disease control, provided that certification is obtained from the attending physician;
- d) Maternity related disability, including prenatal and postnatal care, birth, birth complications, or other medical care for either employee or child;
- e) Doctor or dental appointments for treatment of the employee's, or eligible immediate family member's illness, injury or preventive care (When possible, the employee's supervisor shall be notified at least 48 hours in advance.); or
- f) To attend or make arrangements for a funeral of a member of the employee's immediate\* family for a period of time not to exceed four (4) consecutive calendar days except that such leave may be extended to five (5) consecutive calendar days if the funeral which the employee attends is more than 500 miles from the workplace.

\* "Immediate" family means the employee's spouse and any member of the employee's household or any parent, child, grandparent, grandchild or corresponding in-law.

### **Provisions**

- a) An employees will not accrue sick leave credits during a leave of absence without pay.
- b) Sick leave taken on a legal holiday shall not be charged to an employee's sick leave for that day.
- c) Advancing sick leave credits prior to their accrual is expressly prohibited.
- d) An employee cannot request leave in excess of hours regularly scheduled to work.
- e) With the Elected Official/Department Head's approval, an employee may substitute sick leave credits for annual vacation leave if the employee becomes sick while on approved annual vacation leave. The employee may be required to provide a medical certification as evidence of the illness.

### **Reporting**

Absences which necessitate use of sick leave shall be reported by the employee to the supervisor or Elected Official/Department Head as soon as practical. Failure to report such leave within two (2) hours of employee's regularly scheduled starting time may be considered absence without approved leave. Absences without approval are grounds for disciplinary action.

**Medical Certification**

When an employee is returning to duty following an illness or absence due to injury, or whenever the Elected Official/Department Head has reason to question the employee's ability to return to duty and perform his/her duties, the Elected Official/Department Head may require a medical certification of the employee's fitness to return to duty. The Elected Official/Department Head may also require medical certification that the employee does not impose a direct threat to the health or safety of himself/herself or others. If required, the County will pay reasonable costs associated with securing medical certification.

**Abuse**

Abuse of sick leave may be cause for disciplinary action up to and including dismissal. Abuse may also result in forfeiture of payment for any accumulated sick leave upon termination.

Medical certification may be required if absences from duty recorded as sick leave is frequent, habitual, excessive, suggests a pattern of usage, or if the Elected Official/Department Head has reason to believe the employee may be misrepresenting reasons for using sick leave. If requested, medical certification must be provided within five (5) working days.

**Payment Upon Termination**

Upon termination, an employee who has worked the qualifying period shall be entitled to a lump sum payment in an amount equal to one quarter (1/4) of the amount attributed to accumulated sick leave. Termination pay will only apply to those credits earned since July 1, 1971. The pay attributed to the accumulated sick leave shall be computed on the basis of the employee's regular rate of pay at the time of termination of employment with the County.

<b>Subject:</b>	Direct Grant of Sick Leave	<b>Number:</b>	6.03
<b>Reference:</b>	2-18-615 MCA	<b>Effective Date:</b>	August 1, 2005
	Direct Grant of Sick Leave Request	<b>Last Revised:</b>	October 25, 2005
	Form	<b>Approval:</b>	July 18, 2005

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**STATEMENT OF POLICY:**

Direct Grant of Sick Leave is established to allow County employees to share accrued sick leave according to the following procedures. A grant of sick leave may be available to a qualifying employee who suffers an extensive illness or accident.

**Conditions to Make a Direct Grant**

- a) To be eligible to make a direct grant of sick leave, an employee shall have completed the ninety (90) day qualifying period to take sick leave (Section 2-18-618 MCA) and shall have a minimum balance of forty (40) hours of accrued sick leave remaining in the granting employee's account following the contribution. The minimum balance for a part-time employee shall be prorated.
- b) An employee may directly grant a maximum of forty (40) hours of accrued personal sick leave in any continuous twelve (12) month period. The twelve (12) month period is calculated from the first day an employee makes a direct grant.
- c) An employee may make a direct grant of sick leave to an employee in any County department who is eligible to receive a grant.

**Conditions to Receive Direct Grant(s)**

- a) An employee may receive no more than a maximum of 160 hours of sick leave in any continuous twelve (12) month period in direct grants. Leave granted to a part-time employee shall be prorated.
- b) The twelve (12) month period is calculated from the first day the employee takes sick leave which is a direct grant.
- c) No employee is eligible to receive direct grants of sick leave without the approval of the Elected Official/Department Head.
- d) If an employee is incapacitated and unable to apply for leave of absence or direct grants, the employee's Elected Official/Department Head may do so on behalf of the employee.
- e) An employee may receive a direct grant of sick leave to provide necessary care of, or attendance to, an immediate family member. The maximum allowable time for this purpose is eighty (80) hours.

**Eligibility to Receive Direct Grant(s)**

- a) Employee has met the 90-day qualifying period to take sick leave in accordance with County Sick Leave policies.
- b) Employee has suffered an extensive illness or accident that prevents him/her from working due to medical reasons, or an immediate family member of the Employee requires care or attendance by the Employee that prevents the Employee from working.
- c) Employee has exhausted all personally accrued sick leave, annual leave, and other accrued leave.
- d) ***Employee must take five (5) days approved leave of absence without pay following exhaustion of all accrued leave.***
- e) Receive approval from the Elected Official/Department Head to receive Direct Grant of Sick Leave.
- f) Provide to the Elected Official/Department Head a physician's certification of extensive illness or injury.

**Prohibited Uses**

- a) No sick leave accrued prior to July 1, 1971, may be provided as direct grants.
- b) An employee shall not receive direct grants of sick leave:
  - 1. If the employee is eligible for worker's compensation benefits.
  - 2. If the employee is not longer employed by the County.
  - 3. While the employee is on a leave of absence without pay for a reason other than extensive illness or accident.

<b>Subject:</b>	Annual Vacation Leave	<b>Number:</b>	6.05
<b>Reference:</b>	2-18-611 through 617 MCA 2-18-621 MCA Request for Annual Leave Form Verification of Employment Form	<b>Effective Date:</b>	August 1, 2005
		<b>Last Revised:</b>	July 18, 2005
		<b>Approval:</b>	July 18, 2005

### **STATEMENT OF POLICY:**

It is Ravalli County's policy to provide Annual Vacation Leave benefits to all eligible employees in accordance with State law. It is also the County's policy to establish set procedures to clarify responsibilities in the implementation of this policy.

### **Qualifying Period**

An employee must be continuously employed for the qualifying period of six (6) calendar months to be eligible to use earned vacation leave or to be eligible for a lump sum payment for unused earned vacation leave credits upon termination. Unless there is a break in service, an employee is only required to serve the qualifying period once.

### **Accrual**

As provided by State law, each employee shall earn vacation credits in accordance with the schedule below based on the total years of employment with any State agency, County, City or political subdivision of the State of Montana. Verification of prior eligible employment must be submitted to the Administrative Office to adjust the accrual rate.

<b><u>Years of Employment</u></b>	<b><u>Days Earned per Year</u></b>
1 Day through ten (10) years	15 Days
Ten (10) years through fifteen (15) years	18 Days
Fifteen (15) years through twenty (20) years	21 Days
Twenty (20) + years	24 Days

Annual vacation leave credits accrue from the first day of employment, except as provided for employees in ineligible positions.

A Seasonal employee's accrued vacation leave credits may be carried over to the next season if the County has a continuing need for the employee, or paid out as a lump sum payment when the season ends provided the six (6) month qualifying period has been completed.



In calculating annual vacation leave credits, only regular hours shall be considered and 2080 hours shall equal one year. Proportionate annual vacation leave credits shall be earned and credited at the end of each pay period.

### **Scheduling**

Scheduling of annual vacation leave shall be accomplished by advanced agreement between the employee and supervisor, giving consideration to the employee's needs and the needs of the County. The supervisor has the discretion to approve or deny leave requests.

### **Provisions**

- a) An employee will not accrue vacation credits during a leave of absence without pay.
- b) An employee cannot request leave in excess of hours regularly scheduled to work.
- c) Advancing annual leave credits prior to their accrual is expressly prohibited.
- d) Annual vacation leave taken on a legal holiday shall not be charged to an employee's annual vacation leave for that day.
- e) Absence from employment because of illness shall only be charged against annual vacation leave at the employee's request.
- f) Persons employed in two or more positions shall accrue annual vacation leave in each position according to the number of hours worked. Leave shall be used only from the position in which earned in proportion to the number of hours normally scheduled and must be approved by the Elected Official/Department Head in authority over the position.

### **Maximum Accumulation**

Annual vacation leave may be accumulated to a total not to exceed two (2) times the maximum number of days earned annually as of the end of the first pay period of the next calendar year. Excess annual vacation leave shall be forfeited if not taken within ninety (90) days from the last day of the calendar year in which the excess was accrued. If the employee submits a reasonable request to use the excess annual vacation leave prior to March 30<sup>th</sup> of any given year and such request is denied, the employee shall not forfeit the leave and will have until the end of the calendar year to use the excess annual vacation leave. It is the responsibility of the County to ensure that the employee may use the excess annual vacation leave before the end of the calendar year in which the leave would have been forfeited.

**Payment on Termination**

Upon termination with the County for reasons not reflecting discredit on the employee, an employee who has worked the qualifying period will be paid for unused annual vacation leave credits at the rate of pay in effect at the time of termination. Vacation time may not be used to delay the effective date of termination.

<b>Subject:</b>	Military Leave	<b>Number:</b>	6.07
<b>Reference:</b>	Uniformed Services Employment and Re-Employment Act (USERRA)	<b>Effective Date:</b>	August 1, 2005
		<b>Last Revised:</b>	July 18, 2005
		<b>Approval:</b>	July 18, 2005

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**STATEMENT OF POLICY:**

An employee who is a member of the organized militia of the State of Montana or who is a member of the organized or unorganized reserve corps or military forces of the United States and who has been an employee for a period of at least six (6) months shall be given a leave of absence with pay for a period of time not to exceed fifteen (15) working days in a calendar year for attending regular encampments, training cruises, and similar training programs of the organized militia or of the military forces of the United States. Military leave shall not be used for weekend drills. This leave will not be charged against the employee's annual leave. Reinstatement privileges of an employee who has been inducted into military service as provided for under State and/or Federal law will be followed.

If an employee is called to Active Duty, that employee will be granted Military Leave in accordance with the provisions of the Uniformed Services Employment and Re-Employment Act.

**Subject:** Jury Duty or Witness Leave

**Reference:** 2-18-619 MCA

**Number:** 6.09

**Effective Date:** August 1, 2005

**Last Revised:** July 18, 2005

**Approval:** July 18, 2005

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**STATEMENT OF POLICY:**

County employees shall be eligible to serve as a witness or on jury duty when properly subpoenaed or summoned.

An employee who receives notice of jury duty or witness service must notify his/her supervisor as soon as possible in order that arrangements may be made to cover the position.

An employee on authorized jury duty or witness leave shall receive his/her normal daily wage. A part-time employee will receive compensation for those hours the employee is normally scheduled to work. Hours paid for jury duty/witness leave do not count as hours worked for purposes of calculating overtime.

The employee shall collect all fees and allowances payable as a result of serving on jury duty or as a witness and forward the fees to the Administrative Office. Employees serving on jury duty or as a witness in District or Justice Court should inform the Clerk of Court of their employment status, precluding the payment of fees by the court. Any expense or mileage allowance paid by the court shall be retained by the employee.

If an employee elects to charge juror or witness time off against annual leave or compensatory time, the employee shall not be required to remit to the County any fees or allowances paid by the court. Employees serving on jury duty on a normal day off will not receive compensation for those hours.

Employees are to return to work after jury duty, although no more than the regularly scheduled number of hours for both jury duty and work shall be required. If excused as a juror, the employee is expected to contact the supervisor and report to work as instructed.

**Subject:** Maternity Leave  
**Reference:** 49-2-310 and 311 MCA

**Number:** 6.11  
**Effective Date:** August 1, 2005  
**Last Revised:** July 18, 2005  
**Approval:** July 18, 2005

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**STATEMENT OF POLICY:**

Employees may request the use of annual vacation leave, sick leave, compensatory time or other appropriate paid leave, or leave without pay, for necessary absences due to maternity related disabilities.

The County shall grant a leave of absence from duties because of pregnancy, miscarriage, childbirth, and recovery there from. The length of absence, including the date on which leave shall commence and the date on which the employee shall resume duties, shall be determined by the employee and the employee's physician not to exceed six (6) weeks. The employee shall use her available sick leave for absence due to medical disability caused or contributed by pregnancy, miscarriage, childbirth, and recovery.

After the employee has exhausted sick leave, the employee may, upon written request submitted at least fourteen (14) days prior to the exhaustion of her sick leave, request that her maternity leave be extended for up to six (6) weeks. Extended maternity leave is provided without pay. Upon her return to work, the employee will be reinstated to her original job or to an equivalent position with the equivalent pay and retirement, fringe benefits, accumulated seniority, and other service credits.

**Under Montana Law, it is unlawful for an employer to:**

- a) Terminate a woman's employment because of her pregnancy.
- b) Refuse to grant an employee a reasonable leave of absence for such pregnancy.
- c) Deny an employee who is disabled as a result of pregnancy any compensation to which she is entitled as a result of the accumulation of disability or leave benefits accrued pursuant to plans maintained by her employer, provided that the employer may require disability as a result of pregnancy to be verified by medical certification that the employee is not able to perform her employment duties
- d) Require that an employee take a mandatory maternity leave for an unreasonable length of time. Maternity leave shall be treated the same as any other leave, except that eligibility for maternity leave shall not require employment for any specified period of time.

<b>Subject:</b>	Leave of Absence Without Pay	<b>Number:</b>	6.13
<b>Reference:</b>		<b>Effective Date:</b>	August 1, 2005
		<b>Last Revised:</b>	July 18, 2005
		<b>Approval:</b>	July 18, 2005

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**STATEMENT OF POLICY:**

Leave of absence without pay (LWOP) may be granted for up to ninety (90) days, and only after all applicable leave (Annual, Sick, or Comp) is exhausted. Extensions of approved leave will be considered on a case by case basis. Requests for leave without pay for medically related reasons will first be considered under the Family Medical Leave policy.

Requests for leave of absence without pay (LWOP) shall be submitted in writing to the Elected Official/Department Head stating the reason for the leave and the length of time off requested. Approved leave requests will be forwarded to the Administrative Office for approval by the Board of Commissioners.

No employee benefits shall accrue during a leave without pay. An employee may continue to participate in the County's insurance plan, however 100% of the premiums are to be paid by the employee in a manner prescribed by the Plan Administrator.

Upon expiration of the approved leave of absence, the employee shall be reinstated to the same class and rate of pay, unless otherwise mutually agreed to by the County and the employee. Employees who fail to return to work on the next working day following the expiration of the approved leave are subject to disciplinary action including termination.

<b>Subject:</b>	Family and Medical Leave (FMLA)	<b>Number:</b>	6.15
<b>Reference:</b>	Federal Family and Medical Leave Act of 1993 (FMLA)	<b>Effective Date:</b>	August 1, 2005
		<b>Last Revised:</b>	July 18, 2005
		<b>Approval:</b>	July 18, 2005

### **STATEMENT OF POLICY:**

Ravalli County has adopted the following policy to establish the procedures and criteria for providing family and medical leave under the Federal Family and Medical Leave Act (FMLA) of 1993. Employees who are qualified are eligible to receive up to twelve (12) weeks of paid or unpaid, job protected leave for certain family and medical reasons.

### **Eligibility**

To be eligible for FMLA leave, the employee must have worked for the County for a minimum total of twelve (12) months and for at least 1,040 hours during the twelve (12) month period immediately preceding the leave.

### **Duration**

Eligible employees may take up to twelve (12) weeks of leave within a twelve calendar month period, which begins January 1 of each year. At the time an employee requests FMLA leave, records for the previous twelve months will be reviewed to determine if FMLA leave has previously been used and the amount of leave an employee is eligible to receive.

The twelve (12) weeks of leave may be taken in a single block of time, or, if medically necessary, on an intermittent basis or on a reduced schedule. When the leave is taken for childbirth or placement of a child for adoption or foster care, intermittent or reduced leave schedules are subject to approval.

The County has the right to require that the employee keep in touch with his/her supervisor regarding the leave and anticipated time of return.

### **Purpose of Leave**

An eligible employee will be granted up to twelve (12) weeks of FMLA leave for any of the following reasons:

- a) For the birth of a child and to care for the newborn child. (When both care providers are County employees, both will share the 12-week eligibility);
- b) For the placement of a child with the employee for adoption or foster care;
- c) For the care for a spouse, child or parent with a serious health condition;
- d) For a serious health condition that makes the employee unable to perform the functions of the employee's job.

**Serious Health Condition**

A “serious health condition” is an illness, injury, impairment or physical or mental condition that involves inpatient care in a hospital, hospice or residential medical care facility or treatment by a health care provider. “Serious health conditions” are:

- a) An illness that requires the person to be hospitalized;
- b) An illness that keeps a person away from his/her normal activities for three consecutive days if treated at least twice by a health care professional during that period;
- c) An illness lasting three days or more that requires at least one visit to a physician and a regimen of continuing treatment;
- d) Any period of incapacity due to pregnancy or childbirth;
- e) A permanent or long-term problem supervised by a physician where there is not effective treatment, such as Alzheimer’s, severe stroke, terminal stages of disease;
- f) Any period of incapacity due to a chronic and serious health condition (one that requires occasional visits for treatment by a health care provider, continues over an extended period of time, and may cause episodes of illness); or
- g) Treatment for a condition that could result in an illness of more than three consecutive days in the absence of medical treatment, such as cancer (chemotherapy, radiation), severe arthritis (physical therapy) or kidney disease (dialysis).

The County may require the employee to provide medical evidence for the leave and verification that the employee is released from duty by a qualified medical professional. If requested, the employee will have five (5) working days to provide the documentation.

**Commencement of FMLA Benefit**

When an employee is absent from work and when such absence qualifies under the Family and Medical Leave Act, the grant under that act shall be deemed to have begun.

**Use of Paid Leave**

Employees must use accrued sick leave concurrently with Family and Medical Leave Act, if the leave meets the conditions of the County Sick Leave Policy. Employees may also use accrued annual vacation leave and any other earned leave concurrently with the Family and Medical Leave Act leave. All hours used will be counted against the employee’s Family and Medical Leave Act entitlement.



**Continuation of Health Benefits**

The County's contribution for health insurance coverage will be continued at the same level he/she had prior to the use of FMLA leave. Employees who normally pay a portion of the premiums for health benefits or other insurance coverage will continue to be responsible for those costs to maintain coverage during the FMLA leave. The schedule and means of payment should be arranged with the Accounting Office.

If an employee fails to return to work following a FMLA leave, the employee may be liable for repayment of health benefits contributions paid by the County during the employee's unpaid FMLA leave. Repayment may be waived in situations where the continuing serious health condition or circumstances beyond the control of the employee prevents the employee from returning to work.

**Reinstatement**

An employee returning to work following a FMLA leave will be returned to the same or equivalent position with equivalent pay that he/she would have enjoyed had they not taken FMLA leave. The use of FMLA leave will not result in the loss of any employment benefit accrued prior to the start of an employee's leave.

<b>Subject:</b>	Holidays	<b>Number:</b>	6.17
<b>Reference:</b>	1-1-216 MCA 2-18-603 MCA	<b>Effective Date:</b>	August 1, 2005
		<b>Last Revised:</b>	July 18, 2005
		<b>Approval:</b>	July 18, 2005

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**STATEMENT OF POLICY:**

Employees in a pay status when a legal holiday occurs shall receive appropriate paid holiday leave or compensation.

**Observed Holidays**

- |                                |                             |
|--------------------------------|-----------------------------|
| 1. New Years Day               | January 1 <sup>st</sup>     |
| 2. Martin Luther King Jr. Day  | Third Monday in January     |
| 3. President's Day             | Third Monday in February    |
| 4. Memorial Day                | Last Monday in May          |
| 5. Independence Day            | July 4 <sup>th</sup>        |
| 6. Labor Day                   | First Monday in September   |
| 7. Columbus Day                | Second Monday in October    |
| 8. Veteran's Day               | November 11 <sup>th</sup>   |
| 9. Thanksgiving Day            | Fourth Thursday in November |
| 10. Christmas Day              | December 25 <sup>th</sup>   |
| 11. State General Election Day | November, even number years |

**Holidays Falling on Weekends**

If any holiday falls upon a Sunday, the Monday following will be observed as the holiday. When a holiday falls on a Saturday, the holiday shall be observed on the preceding Friday, except as provided for in the next paragraph.

The employee shall receive holiday benefits and pay for work performed on the day the holiday is observed, unless the employee is scheduled or required to work on the actual holiday. If the employee is scheduled or required to work on the actual holiday, the actual holiday shall be considered as the holiday for purposes of calculating holiday benefits and pay for work performed on a holiday.

### **Benefits and Eligibility Requirements**

An eligible employee shall receive holiday benefits for legal holidays. This benefit is paid time off or pay at the regular rate. Holiday benefits shall not exceed eight (8) hours per holiday. If an employee is regularly scheduled for 10 hour shifts, he/she may take an additional two (2) hours of accrued annual leave to achieve a forty (40) hour work week.

Holiday benefits are calculated based on an employee's regular schedule. For purposes of this policy, changes to an employee's schedule which extend beyond one pay period are changes to the regular schedule.

An employee must be in a pay status either the last regularly scheduled working day before or the first regularly scheduled working day after the holiday is observed to be eligible to receive holiday benefits.

An employee shall not be eligible to receive holiday benefits if:

- a) The employee is a new employee to County government and begins work on the day after a holiday is observed; or
- b) The employee is reinstated or re-employed following a reduction in force, returns to work following a leave of absence without pay of more than one pay period or a disciplinary suspension, or is called back to seasonal or temporary employment on the day after a holiday is observed.
- c) The employee is classified as a short-term worker.

### **Full-Time Employee Benefits**

A permanent, temporary or seasonal full-time employee, whose regular schedule calls for the employee to work on the day a holiday is observed, shall receive eight (8) hours of holiday benefits. The employee usually receives the holiday off; however, the County reserves the right to require an employee to work on the day a holiday is observed. The employee shall be compensated for work performed on a holiday in addition to holiday benefits.

A permanent, temporary or seasonal full-time employee, whose regular schedule calls for a day off on the day a holiday is observed, shall be entitled to receive a day off with pay on the day preceding the holiday or on another day following the holiday in the same pay period or as requested by the employee and approved by the supervisor, whichever allows a day off in addition to the employee's regularly scheduled days off. If a day off cannot be provided, the County may provide eight (8) hours of pay at the regular rate.

### **Part-Time Employee Benefits**

Part-time permanent, temporary or seasonal employees will receive holiday benefits consistent with full-time employees on a prorated basis.

Holiday benefits shall be an average of the employee's hours regularly scheduled to work in the pay period. To find the average, the number of hours regularly scheduled to work in a pay period in which the holiday falls shall be divided by the number of working days in a pay period. If the pay period in which the holiday falls is not characteristic of the employee's regular schedule, the County has the discretion to approximate the employee's schedule for purposes of determining holiday benefits.

### **Pay for Work Performed on a Holiday**

An employee who is designated as non-exempt under the Fair Labor Standards Act (FLSA) and who works on the day a holiday is observed shall be paid for all hours actually worked. In addition to the holiday benefit provided for in this rule, the employee shall receive either a paid day off at the regular rate or pay as described below, at the County's discretion.

- a) If the holiday benefit is a paid day off to be taken at a later date, the employee shall receive pay at the regular rate for every hour worked on the holiday.
- b) If the holiday benefit is to be pay, but no day off, the employee shall receive premium pay (regular rate x 1.5) for all hours worked on the holiday. An employee shall not receive both premium pay and overtime pay for hours worked on a holiday.

If an employee does not work a regular schedule and is called in to work on the holiday, the employee shall receive pay at the regular rate for every hour work on the holiday.

An employee who is exempt from the FLSA and who receives approval to work on the holiday will receive paid time off equivalent to the number of hours worked.

<b>Subject:</b>	Worker's Compensation	<b>Number:</b>	6.19
<b>Reference:</b>	39-71-603 MCA	<b>Effective Date:</b>	August 1, 2005
	Montana Worker's Compensation Act	<b>Last Revised:</b>	July 18, 2005
	Occupational Disease Act	<b>Approval:</b>	July 18, 2005

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#### **STATEMENT OF POLICY:**

The County provides every employee with wage supplement and medical benefits for work-related injury or disease covered under the Montana Workers' Compensation Act or the Occupational Disease Act. Benefits for compensable injuries are governed by state law, and include wages, medical, hospital and related services and other compensation.

Every work-related injury should be reported immediately to the injured employee's supervisor, and be reported by state law, within thirty (30) calendar days after the occurrence to the supervisor.

Wage loss benefits begin after a six (6) day waiting period. Employees may use accrued annual or sick leave benefits to cover wage loss during the six-day waiting period.

During an absence due to work related injury or disease:

- Annual leave may be used in accordance with state law;
- Family and Medical Leave (FMLA) may be used in accordance with federal law and with these policies, and
- Leave Without Pay may be used in accordance with these policies.

Medical certification reflecting fitness for duty may be required when an employee returns to work from a work related illness or injury, or when an illness or injury will prohibit the employee from performing all the essential functions of their position. In addition, the County may reject certification if it does not adequately detail the employee's fitness for duty specific to the employee's position. When requested, it will be the employee's responsibility to secure such certification. When an employee is not able to return to the duties they were performing at the time of their injury, but are anticipated to make a full recovery, a transitional work assignment may be considered.

Criminal proceedings may be initiated against a person who obtains or assists in obtaining workers' compensation benefits to which the person is not entitled.

**Reporting and Investigation**

Employees shall immediately provide notice to their supervisor or Elected Official/Department Head of every work-related accident, injury or occupational disease. If the supervisor is not available, the employee will report the accident to another department official, the Personnel Officer, or the County Commissioners.

The employee will complete a Work Comp Incident Form and submit it to the Administrative Office for review and submission to the County's Work Comp provider. A copy of the report will be provided to the employee and a copy will be maintained by the Personnel Officer.

Upon reviewing the Report, the Personnel Officer may request an investigation and follow-up report from the Elected Official/Department Head responsible for the involved employee. This Report will be used to identify conditions that may have contributed to the accident or illness and develop measures to prevent the reoccurrence or reduce the likelihood of related incidences.

<b>Subject:</b>	Public Employee Retirement System (PERS)	<b>Number:</b>	6.21
<b>Reference:</b>	19-3-505 MCA 19-3-412 MCA	<b>Effective Date:</b>	August 1, 2005
		<b>Last Revised:</b>	July 18, 2005
		<b>Approval:</b>	July 18, 2005

#### **STATEMENT OF POLICY:**

Employees are generally required to participate in the Montana Public Employee Retirement System. Membership in the retirement system is not optional for an employee who is already a member.

#### Those employees who's membership is optional include:

- Elected officials of the state or local governments who:
  - a) Are paid on a salary or wage basis rather than on a per diem or other reimbursement basis; or
  - b) Were members receiving retirement benefits under the defined benefit plan or a distribution under the defined benefit plan at the time of their election.
- Employees serving in employment that does not cumulatively exceed a total of 960 hours of covered employment with all employers under PERS in any fiscal year.
- The Chief Administrative Officer.

If an employee wishes to decline optional membership, the employee shall sign a statement waiving membership and file it with the employer. An employee who declines optional membership may not receive membership service or service credit for the employment in which membership was declined.

An employee who declines membership while employed in a position for which membership is optional may not later become a member while still employed in that position. If, after a break in service of 30 days or more, an employee who is a member in an optional membership position is reemployed in the same position or is employed in a different position for which membership is optional, the employee shall again choose or decline membership. However, if the break in service is less than 30 days, an employee who declined membership is bound by the employee's original decision to decline membership.

An employee accepting a position that requires membership shall become a member even if the employee previously declined membership and did not have a 30-day break in service.

An employee who declines optional membership but later becomes a member may purchase service credit for the period of time beginning with the date of employment in which membership was declined to the commencement of membership.

**Ravalli County will not pay retroactive employer contributions to PERS for the conversion by an employee or former employee for service with the County or any other employer that is not creditable service for PERS purposes. The entire cost of such conversion must be paid by the employee, or former employee.**



<b>Subject:</b>	Employee Assistance Program	<b>Number:</b>	6.23
		<b>Effective Date:</b>	August 1, 2005
		<b>Last Revised:</b>	July 18, 2005
		<b>Approval:</b>	July 18, 2005

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**STATEMENT OF POLICY:**

Through an agreement with an outside provider, Ravalli County makes available short-term counseling, as well as referral assistance for services beyond the scope of those provided by the County-sponsored Employee Assistance Program. Typical issues dealt with by the EAP provider include (but are not limited to) emotional, behavioral, family, marital, substance abuse, financial, legal, and other personal problems. Information related to the Employee Assistance Program is available from the Personnel Office or may be accessed through department supervisors.

Participation in the EAP is voluntary and will not jeopardize an employee's job security or opportunity for advancement. An employee's participation in, referral to, or discussion related to the EAP will be handled in accordance with strict confidentiality regulation. Clinical records will be kept by the designated counseling resource and will not become part of an employee's personnel record.

**Self-Referral:**

Employees who feel they, or other eligible party(s), would benefit from outside professional counseling services may directly access the provider and request services.

**Supervisor-Referral**

If it is determined by a supervisor that an employee's work performance may be negatively affected by issues covered by the EAP, the supervisor may refer the employee to the Employee Assistance Program.

If, while in the process of counseling an employee on concerns related to work performance, it is determined that the performance related concerns may be related to, or resulting from, personal issues within the scope of those covered by the EAP, the supervisor and employee may agree to utilizing the EAP program in lieu of discipline or discharge. When an employee is referred to the EAP under this provision, the Personnel Officer may require that the employee authorize verification of attendance at EAP meetings. Verification of participation may be kept by the Personnel Officer if it is agreed to under this provision.

<b>Subject:</b>	Group Health Insurance	<b>Number:</b>	6.25
<b>Related Forms:</b>	Benefit Enrollment Form	<b>Effective Date:</b>	August 1, 2005
		<b>Last Revised:</b>	July 18, 2005
		<b>Approval:</b>	July 18, 2005

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### **STATEMENT OF POLICY:**

The County shall make group health insurance available to regular full-time employees, regular part-time employees regularly scheduled to work at least twenty (20) hours per week, and elected officials.

#### **A. Eligibility**

##### **Initial Enrollment**

Employees will become initially eligible to participate in the County's group health plan on the first day of the month when the following conditions have been met:

- Upon hire or advancement to a position of the required work status.
- Completion of an employee waiting period of 80 hours of employment in an eligible work status.

##### **Open Enrollment**

Employees who meet the criteria for Initial Enrollment, but elect not to accept coverage when initially eligible, may enroll in the group health plan during the month directly preceding a new contract year. The schedule is currently

**December 1st to December 31<sup>st</sup>** to enroll for benefits beginning **January 1<sup>st</sup>**.

##### **\*Special Enrollment**

Employees may be eligible for Special Enrollment during the year provided certain criteria have been met. Typical conditions that result in eligibility under this provision may include:

- Loss of insurance through another provider.
- Documented coverage through another plan during initial and/or open enrollment period.
- Exhaustion of COBRA coverage or contributions from previous provider.
- Marriage, birth, adoption, or placement for adoption.

**\*Employees should inquire with the Personnel Officer to determine eligibility under this provision. There are specific time limits for eligibility under this provision, it is therefore essential to notify the Personnel Office of any potential eligibility changes as soon as possible.**

## **B. Group Health Insurance Premiums**

### **Employer Contribution**

On an annual basis, the County Commissioners will determine the amount the County will contribute toward the cost of health insurance premiums for eligible employees and elected officials. The County's contribution will be calculated based on an eligible employee regularly scheduled to work forty (40) hours per week.

An eligible employee that is employed less than forty (40) hours per week is entitled to a prorated share of the County contribution for a full-time employee. Employees who are regularly enrolled and receiving insurance benefits and who subsequently have a temporary status change for at least sixty (60) days will be given the corresponding benefit rate for the duration of the temporary assignment.

### **Employee Contribution**

Employees may be responsible for providing a portion of the health insurance premiums. If applicable, the employee is responsible for providing his/her portion of the premium during the month prior to the month of coverage. Typically, the employee's contribution will be provided through payroll deduction. Each employee will, however, be responsible for maintaining his/her portion of the group health insurance premiums continuously while participating in the plan.

Any employee portion of insurance premium received from an employee for a month when insurance was not, or will not be, provided will be refunded to the employee.

<b>Subject:</b> Payment In Lieu of Insurance Contribution	<b>Number:</b> 6.27
	<b>Effective Date:</b> August 1, 2005 <b>Last Revised:</b> July 18, 2005 <b>Approval:</b> July 18, 2005

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**STATEMENT OF POLICY:**

If an employee declines health insurance coverage through the County's Group Health Plan, it is with the understanding that no additional compensation will be provided.

Employees hired prior to the date of the adoption of this policy and receiving Payment In Lieu of Insurance Contributions at the time of adoption will maintain this benefit as in place prior to adoption of this policy unless one of the following occurs:

- a) The employee enrolls in the County's Group Health Plan either through open or special enrollment.
- b) Payment In Lieu of Insurance is determined to be illegal by the Attorney General or a Court of Competent Jurisdiction.

Following adoption of this policy, employees regardless of employment date will no longer have the option to initiate or re-initiate Payment In Lieu of Insurance Contributions.

## SECTION 7: GRIEVANCE PROCEDURE

<b>Subject:</b>	Grievance Procedure	<b>Number:</b>	7.01
<b>Related Forms:</b>	Standard Grievance Form	<b>Effective Date:</b>	August 1, 2005
		<b>Last Revised:</b>	July 18, 2005
		<b>Approval:</b>	July 18, 2005

### **STATEMENT OF POLICY:**

Employees who believe they have been negatively impacted by a specific violation, misapplication, or misinterpretation of the terms of the Personnel Policies have the opportunity to grieve through the established Grievance Procedure. Probationary, Temporary, and Short-term employees shall not have access to the grievance procedure.

### **PROCEDURE:**

#### **Step 1:**

The employee shall discuss the situation and relevant evidence with the Elected Official/Department Head in an effort to informally resolve the issue.

#### **Step 2:**

If the situation is not resolved after the discussion with the Elected Official/Department Head, the employee may, within five (5) working days of the Step 1 discussion, submit a written summary of the concerns and relevant evidence to the Elected Official/Department Head. The Elected Official/Department Head will review the matter and will normally advise the employee in writing of his/her decision within fifteen (15) working days of the date the written summary was presented.

#### **Step 3:**

If the employee is dissatisfied with the Step 2 decision, the employee may, within five (5) working days of the receipt of the written decision from the Elected Official/Department Head, present a written summary and evidence regarding the matter to the County Commission for review. The Commission will review the matter and will normally advise the employee in writing of its decision within thirty (30) working days of receipt of the written summary and evidence. The Commission's decision shall be final.

The County does not tolerate any form of retaliation against employees availing themselves of this procedure. The procedure should not be construed, however, as preventing, limiting, or delaying the County from taking disciplinary action against an employee, up to and including termination, when circumstances such as those enumerated in the “Employee Conduct Policy” are present.